



# Austin City Council MINUTES

REGULAR MEETING  
THURSDAY  
JULY 24, 1997

Mayor Watson called the meeting to order, noting the absence of Mayor Pro Tem Garcia.

1. Approval of Minutes for July 16 & 17, 1997.  
Approved on, Councilmember Goodman's motion, Councilmember Slusher's second, 6-0 vote, Mayor Pro Tem Garcia absent.

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Mike Sloan, to discuss public input for Electric Utility.
3. Mr. David Mintz, to discuss Electric Department Tree Cutting Program.  
Absent
4. Mr. Gus Pena, to discuss city issues, city budget and public safety.  
Absent
5. Mr. Harry Van Velthoven, to discuss towing by private wrecker service: J & J demanding \$91,00 "cash" payment at 2:00 a.m.
6. Mr. John McMillan, to propose that the City of Austin significantly increase the salaries of all City Council members and the Mayor.

## READING OF CONSENT AGENDA

## READING OF DISCUSSION AGENDA

## CITIZEN COMMUNICATIONS: CONSENT AGENDA

## ACTION ON CONSENT AGENDA

## Finance and Administrative Services

7. Approve a resolution authorizing execution of a contract with LONGHORN INTERNATIONAL EQUIPMENT, INC., Austin, Texas, for the purchase of one medium truck cab and chassis to be used in street maintenance and construction activities, in an amount not to exceed \$38,844. (Funding was included in the 1996-97 operating budget of the Public Works and Transportation department.) Low bid of three. No M/WBE Subcontracting opportunities were identified.

**Approved**

8. Approve a resolution authorizing execution of a contract with LONGHORN INTERNATIONAL EQUIPMENT, INC., Austin, Texas, for the purchase of fourteen heavy duty truck cab and chassis with mounted dump bodies and water construction service bodies to be used in maintenance and construction activities, in an amount not to exceed \$892,842. (Funding in the amount of \$59,105 was included in the 1996-97 Vehicle Acquisition Fund; \$59,105 was included in the 1996-97 operating budget of the Water and Wastewater Utility, Water Division; \$59,279 was included in the 1996-97 operating budget of the Public Works and Transportation, Street and Bridge Division; \$456,137 was included in the 1996-97 Capital budget of the Water and Wastewater Utility; \$259,216 was included in the 1996-97 Capital budget of the Drainage Utility department.) Low bid of three. No M/WBE Subcontracting opportunities were identified.

**Approved**

9. Approve a resolution authorizing execution of a contract with LONGHORN INTERNATIONAL EQUIPMENT, INC., Austin, Texas, for the purchase of one heavy duty truck tractor with mounted fifth wheel and hydraulic winch, in an amount not to exceed \$89,191. (Funding was included in the 1996-97 Amended Capital budget of the Drainage Utility Department.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

**Approved**

Items 7 through 9 approved on, Councilmember Spelman's motion, Councilmember Slusher's second, 6-0 vote, Mayor Pro Tem Garcia absent.

## Health and Human Services

10. Approve a resolution authorizing negotiation and execution of a five-year contract with the Texas Health and Human Services Commission under which the City of Austin will serve as the funding entity for a 12-county region for an expanded Medicaid population; the Medicaid-eligible population will be expanded under the Medicaid 1115 Waiver Program. (No fiscal impact.) [Related to Item 11]

**Postponed to July 31, 1997**

11. Approve a resolution authorizing negotiation and execution of a five-year contract with The Daughters of Charity Health Services of Austin (Seton) providing for Seton to assume responsibility for the City's obligations under the Medicaid 1115 Waiver Program. (No fiscal impact.) [Related to Item 10]

**Postponed to July 31, 1997**

## Public Works

12. Approve an ordinance to amend Chapters 16-1 and 16-2, and repeal and replace Chapter 16-6 of the Austin City Code to provide for the implementation of the downtown parking plan. (No fiscal impact.) [Recommended by Downtown Commission and Downtown Subcommittee]

**Motion to approve on, Councilmember Spelman, Councilmember Lewis' second,**

**Friendly amendment by Councilmember Goodman to delete section 16-6-5, subsection C,**

**Friendly amendment withdrawn**

**Substitute motion by Councilmember Goodman to change section 16-6-8, subsection A to read, "may not deposit additional money to obtain more time during that parking occasion on a five hour meter. On all other meters, a person who deposits the amount of money necessary to obtain the maximum amount time allowed on a parking meter during that parking occasion may not deposit additional money to obtain more time during that parking occasion more than once", on, Councilmember Slusher's second, 4-2 vote, Mayor Watson and Councilmember Spelman voting "NO", Mayor Pro Tem Garcia Absent.**

**Approved first reading only.**

13. Approve a resolution authorizing negotiation and execution of two professional service agreements with the following engineering firms: COBB, FENDLEY & ASSOCIATES, INC., Houston, Texas; and SO-DEEP, INC., San Antonio, Texas, to provide subsurface utility engineering rotation list services for various Capital Improvement Projects for an undetermined period, in an amount not to exceed \$150,000 for each firm, for a total amount not to exceed \$300,000. (Funding will be provided by individual Capital project accounts depending on location and nature of the project.) Best qualification statements of five. M/WBE Subcontractor Participation: Cobb, Fendley & Associates (9% MBE, 19% WBE; So-Deep Inc.: (8.6% MBE, 18.2% WBE)

**Approved on, Councilmember Spelman's motion, Councilmember Slusher's second, 6-0 vote, Mayor Pro Tem Garcia absent.**

14. Approve execution of a construction contract award with AUSTIN BRIDGE & ROAD CO., for the Transportation System Management Project on Burnet Road at North Loop to include street intersection improvements and water line relocations, in the amount of \$499,333, with an additional \$49,933.30 as a contingency fund to be used for change orders, for a total of \$549,266.30. (Funding in the amount of \$425,769.30 is included in the 1995-96 Capital Budget of Public Works and Transportation; \$123,497 is included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Low bid of ten. 27.44% MBE, 8.75% WBE Subcontractor participation. (Recommended by Urban Transportation Commission and Water and Wastewater Commission)

**Pulled from the agenda**

15. Approve a resolution authorizing execution of Change Order #2 to the construction contract with AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, for delay claim payment and for additional materials needed as part of the San Jacinto Street Reconstruction, Overlay and Utility Adjustment Project, in the amount of \$24,284.12, for a total amount not to exceed \$671,605.62. (Funding is available in the 1996-97 operating budget of the Drainage Utility department.) 78.65% MBE,

1.85% WBE Subcontractor participation.

**Approved**

16. Approve a resolution authorizing execution of a twelve month supply agreement with PINKLEY SALES COMPANY, Oklahoma City, Oklahoma, for the purchase of caps and crosspieces for mounting traffic signs, in an amount not to exceed \$45,936 with two twelve month extension options in an amount not to exceed \$45,936 per extension, for a total contract amount not to exceed \$137,808. (Funding in the amount of \$7,656 is available in the 1996-97 operating budget of the Public Works and Transportation department. Funding for the remaining ten months of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of four. No M/WBE Subcontracting opportunities were identified.

**Approved**

17. Approve an ordinance to amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D), Speed Limits, for the installation of a 20 mph Reduced Speed School Zone on Bullard Drive for the protection of students attending Gullett Elementary School. (Funding in the amount of \$500 for the installation of signs and markings is available in the 1996-97 operating budget of the Child Safety Fund.)

**Approved**

#### **Development Review and Inspection**

18. Approve a resolution authorizing execution of an amendment to the contract with COMSYS TECHNICAL SERVICES, INC., Austin, Texas, for additional computer programming services for the Development Review and Inspection Department, in an amount not to exceed \$184,000, for a total amount not to exceed \$1,184,000. (Funding was included in the 1996-97 operating budget of the Development Review and Inspection department.) No M/WBE Subcontracting opportunities were identified.

**Approved**

19. C14-95-0007 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5101 to 5201 E. Oltorf Street, from "I-SF-2", Interim Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay, zoning with conditions. First reading on March 21, 1996; Vote 6-0, Nofziger off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: New First City Texas (Mari Epperson). Agent: Armbrust Brown and Davis L.L.P. (Richard Suttle). City Staff: Greg Guernsey, 499-2387. (continued from 6/5/97, 6/26/97, 7/10/97 & 7/17) **[Related to Item 20]**

**Ordinance No. 970724-A approved**

20. C14-95-0008 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5000 to 5400 E. Oltorf Street, from "I-SF-2", Interim Single Family Residence (standard lot) to "RR-CO", Rural Residence-Conditional Overlay and "GO-CO", General Office-Conditional Overlay, zoning with conditions. First reading on March 21, 1996; Vote 6-0, Nofziger off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: New First City Texas (Mari Epperson). Agent: Armbrust Brown and Davis L.L.P. (Richard Suttle). City Staff: Greg Guernsey,

499-2387. (continued from 6/5/97, 6/26/97, 7/10/97 & 7/17) [Related to Item 19]  
Ordinance No. 970724-B approved

#### Parks and Recreation

21. Approve an ordinance authorizing application for and acceptance of \$284,645 in grant funding from the National Council of Senior Citizens for provision of employment for low-income senior citizens, including any grant renewals, extensions, or agreements as may be necessary to continue securing the grant for three years from July 1, 1997. Amend Ordinance 960910-G, the 1996-97 Operating Budget Special Revenue Fund of the Parks and Recreation Department, by appropriating an additional \$22,972, for a total grant amount of \$284,645. (A City match in the amount of \$28,465 is required and available in the 1996-97 operating budget of the Parks and Recreation Department.)

Ordinance No. 970724-C approved

#### Neighborhood Housing and Community Development

22. Set a public hearing on an amendment to the Blackshear Area Urban Renewal Plan to allow for a Street Setback Variance to the Holy Cross Catholic Church located at 1610 East 11th Street. (No fiscal impact.) (Suggested date and time: August 7, 1997 at 7:00 P.M.)

**Approved**

#### Police

23. Authorize execution of an Interlocal Agreement between the City of Austin and Travis County to provide grant funding to Travis County for the purchase by Travis County of a Management Information System for the Drug Diversion Court, in an amount not to exceed \$64,000. (Federal grant funding for this purpose is included in the 'Local Law Enforcement Block Grant Program' in the 1996-97 Police Department Special Revenue Fund.)

**Approved**

24. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin, the Travis County Attorney, and the Travis County District Attorney for a pilot program to provide up to 650 alpha-numeric pagers to the City's police officers to improve the notification process for officers scheduled to appear in court, in the amount of \$46,230. (The cost of this program will be shared equally by the City of Austin (\$15,410), Travis County Attorney's Office (\$15,410), and Travis County District Attorney's Office (\$15,410). Funding for the City's portion in the amount of \$6,604 is available in the 1996-97 Operating Budget of the Police Department; funding for the City's share for the remaining 12 months of this agreement (\$8,806) is contingent upon available funding in next year's budget.) [Related to Item 25]

**Approved**

25. Authorize execution of a 14 month service agreement with PAGING NETWORK OF SAN ANTONIO, Austin, Texas, for a pilot program to provide up to 650 alpha numeric pagers to the City's police officers to improve the notification process for officers scheduled to appear in court, in an amount not to exceed \$40,768. (Funding in the amount of \$5,824 is available in the 1996-97 Operating Budget of the Police Department; funding for the remaining 12 months of this agreement

is contingent upon available funding in future budgets.) Sole Source. No M/WBE Subcontracting opportunities were identified. [Related to Item 24]

Approved

#### ITEMS FROM COUNCIL

26. Direct the City Manager to evaluate implementation of the recommendations contained in the Sidewalk Task Force Final Report, including funding options for possible inclusion in the 1997-98 budget, and report back to Council within 30 days. (Councilmember Jackie Goodman)

Approved

Items 15 through 26 approved on, Councilmember Spelman's motion, Councilmember Slusher's second, 6-0 vote, Mayor Pro Tem Garcia absent.

#### 4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

27. C14-97-0049 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 8815-9915 FM 2222, from "DR" Development Reserve District and "SF-2" Single-Family Residence (Standard Lot) District to "GO" General Office District on Tract 1, "MF-2" Multifamily Residence (low density) District on Tract 2, and "GR" Community Commercial District on Tract applicant: City of Austin, Real Estate Service Division, Public Works and Transportation Department (Junie Plummer) Agent: Brown, McCarroll & Oaks Hartline (Jerry Harris). City Staff: Susan Villarreal, 499-6319. (To be reviewed by Planning Commission on July 22, 1997.)

Motion to approve Planning Commission recommendation to deny request on, Councilmember Spelman's motion, Councilmember Griffith's second, 6-0 vote, Mayor Pro Tem Garcia absent.

#### EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 12:15 p.m. to 3:05 p.m.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

#### Private Consultation with Attorney - Section 551.071

28. Discuss W.W. Deerfield Ltd., v. City of Austin, Cause No. 9613413, Travis County District Court.

29. Discuss legal issues and requirements relating to annexation of territory.

#### ADDENDUM

JULY 14, 1997  
EXECUTIVE SESSION

The City Council will announce that it will go into Executive Session, if necessary, pursuant to Chapter 555 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from legal counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

30. Discuss Zilker Eagle Inc. v. City of Austin et al, No. 96-CA-613JN, United States District Court for the Western District of Texas.

Action on the Following

31. Consider settlement in Zilker Eagle Inc. v. City of Austin et al, No. 96-CA-613JN, United States District Court for the Western District of Texas.

Approved in an amount not to exceed \$93,000 on, Councilmember Spelman's motion, Councilmember Slusher's second, 6-0 vote, Mayor Pro Tem Garcia absent.

NOTE: The above items will be considered under their respective categories, but follow the last number posted on the Austin, Texas, City Council Agenda for July 24, 1997.

ADJOURNED at 8:45 p.m. on, Councilmember Slusher's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia absent.

Approved on this the 7<sup>th</sup> day of August 1997 the minutes of July 23, 1997, July 30, 1997 and July 31, 1997 on, Councilmember Lewis' motion, Councilmember Griffith's second, 7-0 vote.

Also approved on this the 7<sup>th</sup> day of August, 1997 the minutes for July 24, 1997 on, Councilmember Lewis' motion, Councilmember Spelman's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.